

## **REMARKS**

### **Summary**

This Amendment is responsive to the Office Action mailed on February 12, 2004. Claims 1, 2, 55, and 56 are amended. Claims 1-108 are pending.

As a preliminary matter, Applicants note that the Examiner did not provide initialed copies of the 1449 forms provided with Applicants' Information Disclosure Statements filed on August 18, 2003 and February 9, 2004. Copies of these 1449 forms are attached hereto. Applicants respectfully request that the Examiner initial each reference listed on the attached 1449 forms and return the initialed 1449 forms with the next Official Communication.

The Examiner has objected to the title of the invention as being non-descriptive. The title is amended herein as required by the Examiner to more closely define the invention set forth in the claims. Withdrawal of the objection to the title is respectfully requested.

Claims 1-4, 10, 15, 21, 26-29, 37-38, 47-53, 55-58, 64, 69, 75, 80-83, 91-92, and 101-107 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Yellepeddy (US 6,288,790).

Claims 5-9, 11-14, 16-20, 22-25, 30-36, 42-46, 54, 59-63, 65-68, 70-74, 76-79, 84-90, 96-100, and 108 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Adamske (US 6,615,234) in view of Yellepeddy.

Claims 39-41 and 93-95 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yellepeddy in view of Manchala (US 6,405,178).

Applicants respectfully traverse the foregoing rejections in view of the amended claims and the following comments.

### **Discussion of Amended Claims**

Claims 1 and 55 are amended to clarify that the printer polling device is associated with the printer. Claims 2 and 56 are amended to conform to the amendments to claims 1 and 55, respectively.

### **Discussion of Yellepeddy**

Claims 1-4, 10, 15, 21, 26-29, 37-38, 47-53, 55-58, 64, 69, 75, 80-83, 91-92, and 101-107 stand rejected as being anticipated by Yellepeddy. This rejection is respectfully traversed. An

anticipation rejection requires that each and every element of the claimed invention as set forth in the claim be provided in the cited reference. See *Akamai Technologies Inc. v. Cable & Wireless Internet Services Inc.*, 68 USPQ2d 1186 (CA FC 2003), and cases cited therein. As discussed in detail below, Yellepeddy does not meet the requirements for an anticipation rejection.

Yellepeddy discloses a mobile print support facility 200 which is implemented within a data processing system 102, and which includes a mobile print manager 202. Mobile print manager 202 receives print requests for printing services on a selected remote print server and/or printer. Mobile print manager may check the status of network connection 204 to the network containing the selected remote print server/printer upon detecting a print request within the data processing system containing mobile print facility 200 (Col. 3, lines 33-49). If the user selects mobile print mode, or if the remote printer is physically disconnected from the client data processing system or otherwise inaccessible, mobile print manager 202 creates a transient print queue 206 for the disconnected or remote print queue to which a job has been submitted. Transient print queue 206 is a local print queue within the data processing system containing mobile print facility 200, hidden from the end user. Once transient print queue 206 is created, all jobs submitted to the remote printer queue are spooled to transient print queue 206 associated with that remote printer. Mobile print manager 202 periodically checks the connection status of the remote printer queue and, when a connection to the remote printer queue becomes available and transient printer queue 206 has been released, initiates a replay of any print jobs contained in the transient print queue 206 to the selected remote printer queue (Col. 4, lines 11-38).

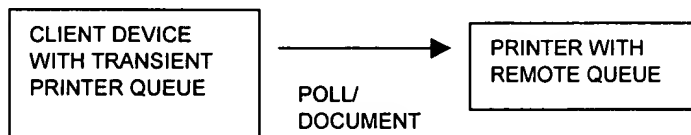
Yellepeddy does not disclose or remotely suggest a printer polling device associated with a printer, where the printer polling device is capable of polling the spooling server via the network to identify a print job associated with the printer polling device, as claimed by Applicants. The section of Yellepeddy relied on by the Examiner (i.e., Col. 8, lines 31-52) refers to polling by mobile print manager 202 within the client data processing system (i.e., the print job source) to determine whether remote printer queues at a remote printer, which correspond to transient printer queues at the client data processing system, have become available.

The transient printer queue 206 of Yellepeddy is contained within the client data processing system that generated the print job (i.e., the print job source). Therefore, the transient printer queue of Yellepeddy is not equivalent to the spooling server claimed by Applicants. With

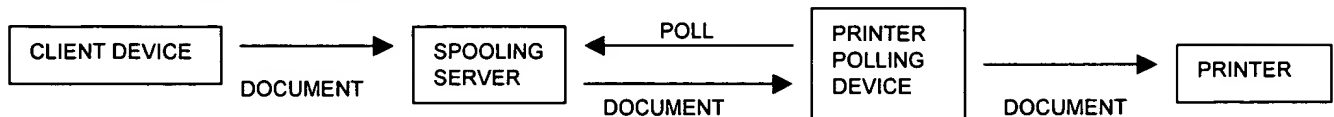
Applicants' claimed invention, the print job is sent to the spooling server from the print job source via a network. Therefore, Applicants' claimed spooling server is remote from the print job source. In contrast, in Yellepeddy, the client data processing system, the mobile print manager 202, and the transient printer queue are all part of the same device.

Yellepeddy does not disclose or remotely suggest the forwarding of a polling request to a spooling server over a network via a printer polling device associated with a printer to identify a print job stored at the spooling server, as claimed by Applicants. In fact, to the extent that polling occurs in Yellepeddy, it is in the opposite direction as compared to the polling of Applicants' claimed invention. The polling of Yellepeddy occurs from mobile print manager 202 of the data processing system to the printer itself. In contrast, Applicants' claimed polling request is forwarded from a printer polling device associated with the printer to the spooling server. The following diagram illustrates the difference in the polling between Yellepeddy and the present invention:

### Yellepeddy Polling



### Applicants' Claimed Polling



As illustrated in the foregoing diagram, in Yellepeddy, the client device polls the printer to determine if the printer is available, while in Applicants' claimed invention, polling occurs from the printer side of the network (rather than from the client side as in Yellepeddy) from a printer polling device associated with the printer to the spooling server, to identify whether any print jobs for that polling device are available on the spooling server.

Therefore, the purpose of the polling of Yellepeddy is also quite different than that of the

present invention. In particular, the mobile print manager 202 of Yellepeddy polls the printer to determine if the printer is connected to the network and the remote printer queue at the printer is available. In contrast, the polling request of the present invention is sent to the spooling server to identify a document associated with the printer polling device.

As Yellepeddy does not disclose each and every element of the invention as claimed, the rejections under 35 U.S.C. § 102(e) are believed to be improper, and withdrawal of the rejections is respectfully requested. See, *Akamai Technologies Inc., supra*.

Applicants respectfully submit that the present invention is not anticipated by and would not have been obvious to one skilled in the art in view of Yellepeddy, taken alone or in combination with any of the other prior art of record.

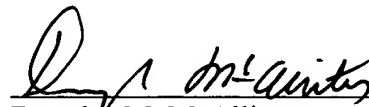
Withdrawal of the rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) is therefore respectfully requested.

Further remarks regarding the asserted relationship between Applicants' claims and the prior art are not deemed necessary, in view of the amended claims and the above discussion. Applicants' silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

Conclusion

The Examiner is respectfully requested to reconsider this application, allow each of the presently pending claims, and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicants' undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas M. McAllister", is written over a horizontal line.

Douglas M. McAllister  
Attorney for Applicant(s)  
Registration No. 37,886  
Law Office of Barry R. Lipsitz  
755 Main Street  
Monroe, CT 06468  
(203) 459-0200

**ATTORNEY DOCKET NO.: MGI-176**

Date: April 27, 2004